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Applicant's election without traverse of the catheter in Paper No. 4 is acknowledged.

Claims 16-25 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 16, the distal tapered regions lack antecedent basis.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-18 and 22-25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Jang.

Jang teaches the catheter as claimed. Note balloon 80 which is connected to the tubing by fusion bonds next to the tapered regions as disclosed on lines 47-51 of column 14. Note in particular that Jang teaches laser bonding. The tapered regions Jang catheter would inherently be substantially free of crystallization to allow for proper balloon inflation and deflation.

Claims 16-18, 22, 24, and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by either Gahara et al or Wolvek et

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al.

Gahara et al teach the catheter as claimed. Note figure 5 and lines 47-51 of column 4.

Wolvek et al teach the catheter as claimed. Note <sup>lines</sup> 7, 8, and 13-18 of column 6.

Both the Gahara et al balloon and the Wolvek et al balloon tapered portions would inherent be substantially free of crystallization.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 19-21 are rejected under 35 U.S.C. § 103 as being unpatentable over Jang.

Jang teaches the catheter substantially. It is considered a conventional design expedient in the art to minimize the use of material to reduce the cost of a balloon catheter. One of

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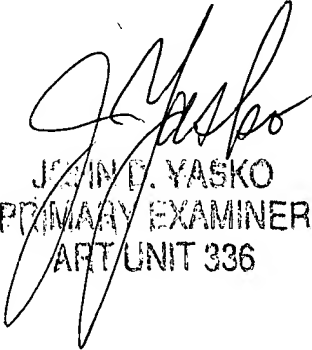
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ordinary skill in the art would provide a neck region on the Jang catheter which is within the claimed range to reduce balloon catheter cost. Note that Jang teaches using laser bonding, which as admitted by applicant is capable of a bond within the claimed dimensions. In view of this above it would have been obvious to modify the Jang catheter with a bond length within the claim range.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Anthony Gutowski at telephone number (703) 308-2980.

  
A. Gutowski/pw  
September 23, 1992

  
JENNIFER YASKO  
PRIMARY EXAMINER  
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